

**Applicant:** Bernalillo County  
Zoning, Building, Planning &  
Environmental Health Department  
111 Union Station St. SE  
Albuquerque, NM 87111

**Property Owner:** Chavez Family Limited  
Partners

**Location:** 16400 S. Frontage Road SW

**Property Size:** 21.6 acre +/-

**Existing SUP:** Special Use Permit for an  
Asphalt & Batching Plant and  
a Contractor's Yard,  
including Vehicle  
Maintenance

**Zoning:** A-1

**Recommendation:** Cancellation



**Summary:** The Zoning, Building, Planning & Environmental Health Department propose cancellation of an existing Special Use Permit for an Asphalt & Batching Plant and a Contractor's Yard, including Vehicle Maintenance. Several items identified on the approved site plan are not consistent with the existing site.

**Staff Contact:** Enrico Gradi, Program Planner

**Attachments:**

1. Notice of Special Use Permit (August 24, 2006)
2. Notice of Violation (March 23, 2007)
3. Notice of Violation (April 19, 2007)
4. Notice of 90 Day Extension (May 21, 2007)
5. Notice of 30 day Extension (August 21, 2007)
6. Notice of Intent to Cancel SUP (March 1, 2010)
7. Zone Atlas Page

CSU-60027      Zoning, Building, Planning & Environmental Health Department requests cancellation of a Special Use Permit for an Asphalt & Batching Plant and a Contractor's Yard, including Vehicle Maintenance on Tracts 181-186 Row 1, Unit B located at 16400 S. Frontage Road SW, zoned A-1, and containing approximately 21.6 acres. (M-3)

**AREA CHARACTERISTICS & ZONING HISTORY**  
**Surrounding Zoning & Land Uses**

	<b>Zoning</b>	<b>Land use</b>
<b>Site</b>	A-1 Special Use Permit for an Special Use Permit for an Asphalt & Batching Plant and a Contractor's Yard, including Vehicle Maintenance	Auto Body, Paint Shop and Outside Storage of Automobiles
<b>North</b>	A-1 w/a Special Use Permit for a 40 Ft Weather Radar Antenna, a Special Use Permit for a Trailer (Boat & RV) Storage and a Special Use Permit for Drilling and Production of Hydrocarbons	Frontage Road/I-40 A 40 foot Weather Radar Antenna and Trailer, Boat and RV Storage
<b>South</b>	A-1	Vacant
<b>East</b>	A-1	Vacant
<b>West</b>	A-1	Vacant

## **BACKGROUND**

### **Special Use Permit History & Overview**

On August 22, 2006 the Board of County Commissioners authorized a Special Use Permit for an Asphalt & Batching Plant and a Contractor's Yard, including Vehicle Maintenance. The Special Use Permit was approved for ten years. The Special Use Permit was subject to the condition that it met the requirement of the approved site plan. These conditions include the requirement of landscaping along the front of the site and adherence to the approved site plan.

### **Subject Site & Surrounding Properties**

The site encompasses approximately 21.6 acres with only a small portion proposed to be utilized for asphalt and batch plant operation. The site itself is more than 75% percent vacant and currently houses a truck scale, an unoccupied construction trailer, a large stock pile and four storage trailers. The storage trailers are proposed to be utilized by the operation of the proposed asphalt and batch plant. Landscaping is installed along the north frontage of the property; however, a visual inspection revealed that some of the landscaping has died and will need to be replaced.

The site is situated between two 5-acre tracts to the east and west that are currently vacant and zoned A-1. Directly contiguous to the south of the site exist vacant unplatted A-1 zoned land. To the north and west of the subject site exist Special Use Permits for (1) a weather radar antenna, (2) for drilling and production of hydrocarbons and (3) trailer, boat and RV storage.

## **APPLICABLE REGULATIONS & POLICIES**

### **Comprehensive Zoning Ordinance of Bernalillo County**

#### **Section 18. Special Use Permit Regulations.**

H. Violation of the approved development plan or any condition imposed by the Board of County Commissioners in approving an application filed under this section shall constitute a violation of this ordinance and shall be subject the permit to cancellation pursuant to this section.

#### **1. Procedures for Cancellation:**

- (a) The Zoning Administrator or his designee has the duty of routinely inspecting the Special Use Permit to insure compliance with the approved development plan and conditions imposed by the Board of County Commissioners.
- (b) If the Zoning Administrator or his designee shall find that any of the conditions of the approved development plan or the conditions imposed by the Board of County Commissioners have not been complied with, they shall notify in writing, the owner, tenant, agent, occupant, or person in charge of the premises, indicating the nature of the violation and ordering its correction within 30 days.
- (c) In an event that a violation of the approved development plan or conditions imposed by the Board of County Commissioners continues, the Zoning Administrator or his designee may institute the appropriate action to cancel the Special Use Permit pursuant to this section or proceed against the owner, tenant, agent, occupant, or person in charge of the premises, pursuant to the Penalty section of this Ordinance.
- (d) Any violation of the approved development plan or conditions imposed by the Board of County Commissioners that continues for a period of 30 days after

notification by certified mail receipt return requested shall subject the Special Use Permit to cancellation pursuant to the process outlined under Section 18.E.,

- (e) Subsections 1, 2, and 3. In the event that the Special Use Permit is cancelled, all references to said Special Use Permit shall be removed from the official zoned maps by the County Planning Department.
- 2. In the event a use authorized by a Special Use Permit is not established within 12 months of the date of approval or is discontinued for a period of 12 months, the County Planning Department shall send notification by certified mail return receipt requested requiring the property owner, tenant, agent, occupant, or person in charge of the premises to state in writing within 30 days his or her intention to establish or continue said permit. If the property owner, tenant, agent, occupant, or person in charge of the premises does not declare in writing his or her intention to establish or continue said permit, then authorization or approval may be cancelled and relevant documents, if any, shall be removed from the official zone maps by the County Planning Department.

## **ANALYSIS**

The Zoning Enforcement Office has notified the property owner, via registered letter, of noncompliance with the provisions of the Special Use Permit on March 1, 2010, as described in Section 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County. In addition, letters have been sent to the applicant on March 23, 2007 and April 19, 2007 informing of the procedures required to address this issue. To date the owner has contacted county staff in an effort to address some of the discrepancies between the current site and the approved site plan.

This cancellation is a result of continued violations of the Special Use Permit (CSU-60027) and the corresponding site development plan approved for the permit. Specifically, the establishment of the Special Use Permit requires that the approved site plan act as the controlling document for land uses on the site. The applicant has addressed several of the outstanding issues on the site. These issues included the removal of fueling tanks from the site, the elimination of vehicle storage that was not authorized for the site, and general site clean up.

However, several items are still in need of attention. These items include storage of piles of a concrete and the required landscaping along the frontage of the site. The landscaping on the site was implemented but a considerable amount has died. Several of uses approved on the site plan have not yet been established because the applicant does not have a need for those uses. Some of the uses that were approved and not yet established include a concrete truck wash down collection bay and material storage bays. The applicant is considering amending the Special Use Permit in order to modify the site plan to match their current demands which have changed somewhat from the time of approval.

## **RECOMMENDATION:**

Cancellation of CSU-60027.

Enrico Gradi  
Program Planner

**Proposed Findings for Cancellation**

1. This is a request for the cancellation of a Special Use Permit for an Asphalt & Batching Plant and a Contractor's Yard, including Vehicle Maintenance on Tracts 181-186 Row 1, Unit B located at 16400 S. Frontage Road SW, zoned A-1, and containing approximately 21.6 acres.
2. This matter is a result of continued violations of the Special Use Permit (CSU-60027) and the corresponding site development plan approved for the permit. Specifically, the requirement that screening be provided around the site.
3. The Bernalillo County Planning Department notified the property owner of noncompliance with the provisions of the Special Use Permit on March 1, 2010 as described in Section 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County.
4. This decision removes the Special Use Permit (CSU-60027) from the property, and reverts the zoning on the site back to the underlying zoning designation of A-1.